

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6677

BILL NUMBER: SB 188

DATE PREPARED: Dec 7, 2001

BILL AMENDED:

SUBJECT: Solicitation of Minors.

FISCAL ANALYST: Karen Firestone

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: The bill provides that a person commits child solicitation if the person knowingly or intentionally solicits an individual to engage in sexual acts whom the person believes to be less than 14 years of age. It provides that in a prosecution for child solicitation or attempted child solicitation, the state is not required to prove that the person's solicitation of the child: (1) took the form of urging; or (2) was intended to result, at or near the time of the urging, in illicit sexual contact.

Effective Date: July 1, 2002.

Explanation of State Expenditures: Under current law, child solicitation occurs when an offender knowingly or intentionally solicits a child under 14 years of age. The bill expands the definition to include situations where the offender believes that the child is under 14 years of age. Additionally, the bill allows for prosecution under child solicitation without the state proving that the solicitation took the form of urging or that the offender intended the act to result in illicit sexual contact near or at the time of the urging. Child solicitation is a Class D felony.

To the extent that more offenders may be convicted of child solicitation under the bill, costs of incarceration could increase. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$22,131 in FY 2000. Individual facility expenditures ranged from \$16,442 to \$40,312 per prisoner. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in DOC facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class D felony

is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.